

**GENERAL SESSION**  
**HAZARDOUS WASTE MANAGEMENT COMMISSION (HWMC)**  
**December 9, 2005**  
**9:00 A.M.**  
**1738 East Elm**  
**Bennett Springs Conference Room**  
**Jefferson City, MO 65101**

COMMISSIONERS PRESENT

Patrick Gleason, Chairman  
Tim Warren, Vice-Chairman  
Ben Kessler  
Susan Williamson  
Norella Huggins  
Derrick Standley  
Paul Schmidt (absent)

CALL TO ORDER

Patrick Gleason, HWMC Chairman, called the General Session to order at 9:00 A.M.

EXECUTIVE SESSION

An Executive Session was not held since there were no Executive Session agenda items.

APPROVAL OF MINUTES

Motion was made by Commissioner Standley and seconded by Commissioner Williamson to approve the October 17, 2005, General Session Minutes as corrected.

Motion carried.

HWP PERSONNEL CHANGES

Robert Geller, Hazardous Waste Program Director, informed the HWMC of the resignation of Robbin Stout, Commission Secretary, and asked the Commissioners to sign a letter and certificate of appreciation for the excellent job she did. Mr. Geller introduced Judith Clark as the Interim Commission Secretary during this time of transition; Ken Koon as the new Tanks Section Chief; Scott Huckstep as the Interim DERT Unit Chief; and Larry Erickson as the new Federal Facilities Section Chief. Mr. Geller also acknowledged Andrea Kliethermes for her role as Interim Tanks Section Chief.

PUBLIC HEARING ON THE PROPOSED RULES TO IMPLEMENT DRYCLEANING ENVIRONMENTAL RESPONSE TRUST FUND

Mr. Ken Koon, Tanks Section Chief (previous DERT Unit Chief), presented testimony on the proposed rulemaking regarding rules 10 CSR 25-17.010 to 10 CSR 25-17.170. The purpose of the public hearing was to provide the department and the public the opportunity to present testimony and to comment on proposed rules for the Drycleaning Environmental Response Trust Fund.

A transcript of this hearing will be available for review at the office of the Hazardous Waste Management Commission, 1738 E. Elm Street, Jefferson City, Missouri.

REQUEST TO REFER LUEBBERING OIL COMPANY TO THE AGO IN ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Dan Massey, Attorney General's Office (AGO), informed the Commissioners that Luebbering Oil had not obtained an Financial Responsibility (FR) mechanism and they had submitted an application four days prior. The AGO and the department are asking for referral to the AGO for enforcement action.

Mr. Brad Luebbering, Luebbering Oil Company, gave a brief update on the status of the application and work being completed. The Commissioners had questions on the following items:

- Outside contractor
- Familiarity of equipment
- Documentation of work completed
- Start date by the contractor
- 3" pipe vs. 2" pipe
- Re-application submittal date

Motion was made by Commissioner Standley and seconded by Commissioner Kessler to refer Luebbering Oil Company (ST0007193) to the AGO in order to compel compliance and pursue or negotiate a civil penalty.

Commissioner Huggins asked Mr. Massey about Luebbering Oil continuing to move toward compliance that the AGO would not rush to file suit. Mr. Massey noted that if they could agree on a date certain to have FR, they could reach an agreement through a consent judgement, then file a lawsuit if deemed necessary.

Mr. Brian Rackers, Luebbering Oil Company, also spoke to support the actions taken thus far by Luebbering Oil to come into compliance.

Motion carried.

## UPDATE – STATUS OF ENFORCEMENT CASES PREVIOUSLY PRESENTED TO THE COMMISSION FOR REFERRAL

Dan Massey, AGO, provided a brief history, updated information, and answered questions on several facilities previously referred by the HWMC to the AGO.

- Aunt B's Pump & Wash
- Bill's Service
- Gravois Fast Stop
- Buddy's Inc.
- Parson's Texaco
- Saffi Amoco
- Flash Market #173
- Flash Market #174
- Crossroads Convenience
- Flash Market #332
- Faught's West End Station
- Northtown Beer Stop & Liquor

Commissioner Warren asked about the issue of "owner vs. operator" and should that be addressed legislatively. Mr. Massey stated that it gives the AGO and the department two parties to go after. Commissioner Warren also asked about the number of out-of-state owners. Mr. Massey noted that very few were out-of-state owners, that the majority were in-state.

## REQUEST TO REFER LOETHEN OIL COMPANY'S ZIP STOP ELLIS BOULEVARD (ST0011823) AND ZIP STOP OSAGE BEACH (ST0011370) TO THE AGO IN ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Angela Oravetz, Compliance/Enforcement Section, noted that Loethen Oil Company had submitted documentation and reports to bring both facilities back into compliance. Therefore, the department is not asking for referral of these facilities.

## REQUEST TO REFER RIVERVIEW GARDENS SCHOOL DISTRICT TO THE AGO IN ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Angela Oravetz, Compliance/Enforcement Section, gave a brief history, updated information, and answered questions from the Commissioners on the status of Riverview Gardens School District's application for reinstatement of FR.

Motion was made by Commissioner Warren and seconded by Commissioner Standley to hold the referral until the next meeting, February 1, 2006.

Chairman Gleason opposed.

Motion carried.

## PETROLEUM STORAGE TANK INSURANCE FUND (PSTIF) PRESENTATION

Carol Eighmey, PSTIF Executive Director, made a presentation to the Commission on what the Petroleum Storage Tank Insurance Fund has historically done to assure that UST owners/operators are in compliance with environmental regulations, what records are reviewed and maintained for insured UST facilities, and how the PSTIF and DNR are working to eliminate duplicative tasks and better coordinate their efforts.

Commissioners Warren and Huggins asked questions and expressed concerns over the current funding situation between the department and PSTIF. Commissioner Huggins asked Mr. Kurt Schaefer, the department's General Counsel, to address the Commission and explain current discussions and exchanges of correspondence between PSTIF's counsel and Mr. Schaefer, which Mr. Schaefer did. Copies of the correspondence were handed out at the meeting.

Mr. Schaefer further stated that should counsel for PSTIF wish to present his legal opinion on the issues that have arisen, he would certainly get that opportunity at a later Commission meeting.

Both Ms. Eighmey and Mr. Schaefer agreed that the parties would continue to try and negotiate an agreement to resolve the issues between the department and PSTIF over the current funding.

## DAIMLERCHRYSLER VARIANCE REQUEST

Tom Judge, Compliance/Enforcement Section, gave a brief history, updated information, and answered questions the Commissioners had regarding the DaimlerChrysler variance request. Mr. John Faletto, DaimlerChrysler representative, attended via conference call and added brief details.

## CONTINENTAL CEMENT CORPORATION'S ST. LOUIS ASSEMBLY PLANT COMPLEX VARIANCE REQUEST

Robert Clay, Permits Section, gave a brief history and update on the Continental Cement Corporation's St. Louis Assembly Plant Complex variance request. Mr. Jerry Epperson, Continental Cement representative, followed with a detailed PowerPoint presentation and answered questions the Commissioners had regarding the Continental Cement's process, procedures, and variance request. Ms. Sara Hoffman, Environmental Office in Hannibal, and Mr. Tom Linde, Plant Manager, Continental Cement representatives attended as well. Mr. Rob Morrison and Mr. Aaron Schmidt, Permits Section, gave additional information throughout the presentation and assisted in answering questions. Mr. Robert Clay also made a PowerPoint presentation.

Commissioner Warren asked that the Permits Section report back to the HWMC regarding the other three HW facilities and the economic impact.

## UNIFORM MANIFEST UPDATE

David Giarratano, Compliance/Enforcement Section, gave a brief history, updated information, and answered questions from the Commissioners regarding Uniform Manifests required by federal rule effective September 5, 2006.



## ELECTRONIC WASTE STAKEHOLDERS WORK GROUP UPDATE

Mike Menneke, Compliance/Enforcement Section, will be spearheading an e-waste stakeholders group and currently forming a framing committee. The workgroup will develop or define better management practices, regulatory framework, and any changes to the legislation or introduction to legislation to further the economic development of the e-waste industry in Missouri. The first meeting scheduled for the framing committee is December 20, 2005, and the stakeholders meeting is scheduled for February 2, 2006.

Commissioners Standley, Williamson, Warren, and Kessler offered to be on the framing committee.

## FY2005 HAZARDOUS WASTE FEE BILLING

John Beard, Budget & Planning Section, gave a brief summary, status, and answered questions from the Commissioners regarding the 2005 hazardous waste billings sent to Missouri generators and treatment/storage disposal facilities. The registration renewal fee was not included in the billing letter.

## RULEMAKING UPDATE

Tim Eiken, HWP Rule Coordinator, provided a brief history and answered questions from the Commissioners regarding pending rulemakings:

- Uniform Manifest
- E-waste
- Procedural Rule on Receiving Recommendations from the Administrative Hearing Commission
- Adopt by Reference the Changes to the Code of Federal Regulations thru July 2004

Mr. Eiken presented a sign-off sheet for the Commissioner's to certify that what is being proposed is necessary to fulfill the purposes of the rulemaking statute – Section 260.370.

Ms. Shelley Woods, AGO, advised that more information was needed prior to signature by the Commissioners. A determination was made for more information to be provided and the document will be routed for signatures before the next HWMC meeting.

## MONTHLY REPORTS

Robert Geller, HWP Director, noted that in addition to the Monthly Reports a summary of the reports sent to the Governor have been included.

## PUBLIC INQUIRIES OR ISSUES

Robert Geller indicated he had not received any forms or requests from individuals requesting to speak at this meeting.

## OTHER BUSINESS

Robert Geller, HWP Director, introduced Mr. Jim Macy, Field Services Division Director, to update the Commissioners on the reorganization of the Department.

Mr. Macy outlined the reorganization of the Department and noted his three Cs approach, Consistency, Customer Service, and Common Sense Environmental Approach. He also introduced the new procedures for Initial Assistance Visits (IAVs), On-line Permitting, Satellite Offices in Rolla and the southeast part of the state. There are 12 satellite offices and 5 regional offices.

Commissioner Huggins asked about interfacing with the Ombudsmen Program. Mr. Macy stated that Ombudsmen are hunters and gatherers of information. They bring the information back to the Regional Director, and concurrently with Scott Totten and the Director. The role of the Ombudsmen is to identify trends or problems.

Robert Geller introduced the idea of a HWP Forum where a variety of issues (rule changes, long-term stewardship, etc.) can be brought to stakeholders for open discussion. Invitations and dialog may be forthcoming.

Mr. Geller also noted that the Enforcement and Compliance Assistance Listserv for Hazardous Waste Generators is now available on the Web to all that may be interested in HWP issues.

## FUTURE MEETINGS

Chairman Gleason noted that the next HWMC meeting is scheduled for February 1, 2006, in Jefferson City.

## ADJOURNMENT

Motion to adjourn was made by Commissioner Williamson and seconded by Commissioner Huggins.

Motion carried and the meeting was adjourned.

Respectfully Submitted,

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Judith Clark  
Interim Commission Secretary

APPROVED

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Patrick Gleason, Chairman

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Date